

PATENT

The Eclipse Group Docket No. H109047USU (P03059US)
Application Serial No.: 10/684,222

II. REMARKS

Claims 1-8, 10-15, 17-23, 25-32, 34-35, 37-49, 52-74, 76-87, 91-104, 107-113, 117-135, are pending in this application. Claims 1-8, 10-15, 17-23, 25-32, 34-35, 37-49, 52-74, 76-87, 91-104, 107-113, 117-135 are rejected. No new matter has been added by this response. For the reasons stated below, Applicants believe that the claims are in condition for allowance.

The Examiner rejected:

- | | |
|---|---|
| 1. Claims 1-8, 10, 14-15, 17-20, 25,
27-30, 32, 34-35, 37-44, 46-49, 52-53,
62-66, 68-73, 76-77, 81-87, 96, 98-99, 101,
107-109, 111-113, 117, 119 | Under 35 U.S.C. §103(a)
<i>Rabinowitz</i> in view of <i>Tagami</i> |
| 2. Claims 11-13, 21-23, 26, 54-61, 74, 78-80,
91-95, 97, 100, 102-104, 110, 118, 120-135 | Under 35. U.S.C §103(a)
<i>Rabinowitz</i> in view of <i>Tagami</i> |
| 3. Claim 45 | Under 35.U.S.C. §103(a)
<i>Rabinowitz</i> in view of <i>Tagami</i>
and further in view of <i>Norris</i> |
| 4. Claim 31 | Under 35.U.S.C. §103(a)
<i>Rabinowitz</i> in view of <i>Tagami</i>
and further in view of <i>Norris</i> |
| 5. Claim 31 | Under 35.U.S.C. §103(a)
<i>Rabinowitz</i> in view of <i>Tagami</i>
and further in view of <i>Kim</i> |

1. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claims under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586).

In claim 1 (using claim 1 as an example independent claim), the Examiner indicated on pages 3-4 of the Final Office Action that

Rabinowitz et al. disclose an audio system comprising a configuration, the configuration selected based on a method

PATENT

The Eclipse Group Docket No. HI09047USU (P03059US)

Application Serial No.: 10/684,222

comprising: generating acoustic signals from at least one loudspeaker placed at potential loudspeaker locations and recording transfer functions at a plurality of listening positions (fig.1,5 (14,16); fig.3 (20); par [0010, 0021; 0027]/microphone and speakers in various locations for generating and pick up such generated sound from such various listening locations); determining potential configurations of the audio system (fig.5 (14-1; 14-n); fig.34 (43); par [0020, 0022, 0029; 0033]/potential loudspeaker configuration in the room as in alterations of the speakers, and replacing components and also volume and tone control configuration) and modifying the transfer functions based on the potential configurations so that predicted transfer functions are generated at each of at least two of the plurality of listening positions for each of the potential configuration of the audio system, the predicted transfer function representing simulations for the potential configuration of the audio system (fig.1 (18, 20); fig.4(48-59); par [0021-0023,0027]/generating desired equalized frequency for different user locations with microphone from the loudspeaker is read on the predicted transfer function).

While admitting, on page 4 of the Final Office Action that "...Rabinowitz et al. never disclose of such accessing a criterion by which to statistically analyze the predicted signal."

Applicants have amended the independent claims to include "where the transfer functions includes either or both an amplitude component or a phase component" An amplitude component or phase component may be used as a criterion. Both the *Rabinowitz et al.* publication and the *Tagami et al.* patent fail to teach or describe a transfer function that includes at least one of an amplitude component and phase component as claimed by the Applicants in the independent claims.

Therefore, independent claims 1, 15, 25, 27, 54, 62, 81, and 107 are in condition for allowance and a claims 2-8, 10, 14, 17-20, 28-30, 32, 34-35, 37-44, 46-49, 52-53, 63-66, 68-73, 76-77, 82-87, 96, 98-99, 101, 108-109, 111-113, 117, 119 are also in condition for allowance.

PATENT

The Eclipse Group Docket No. HI09047USU (P03059US)
Application Serial No.: 10/684,222

2. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claims 11-13, 21-23, 26, 54-61, 74, 78-80, 91-95, 97, 100, 102-104, 110, 118, 120-135 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586).

As previously explained, independent claims 1, 15, 25, 27, 54, 62, 81, and 107 are in condition for allowance because the *Rabinowitz et al.* publication and *Tagami et al.* patent when viewed alone or combined fail to teach or describe all of the Applicants' elements claimed in the independent claims. Thus, dependent claims 11-13, 21-23, 26, 54-61, 74, 78-80, 91-95, 97, 100, 102-104, 110, 118, 120-135 are also in condition for allowance.

3. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claim 45 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586) and *Greenberger* (U.S. Patent No. 5,870,484).

Claim 45 is a dependent claim that depends from allowable independent claim 27 and is therefore in condition for allowance.

4. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claim 31 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586) and *Norris et al.* (U.S. Patent No. 6,611,603).

Claim 31 is a dependent claim that depends from allowable independent claim 27 and is therefore in condition for allowance.

5. Response To 35 U.S.C. §103 Rejection

The Examiner rejected claim 31 under 35 U.S.C. §103(a) as being unpatentable over *Rabinowitz et al.* (2003/0179891) and *Tagami et al.* (U.S. Patent No. 5,745,586) and *Kim* (U.S. Patent No. 5,717,465).

Claim 31 is a dependent claim that depends from allowable independent claim 27 and is therefore in condition for allowance.

PATENT

The Eclipse Group Docket No. H109047USU (P03059US)
Application Serial No.: 10/684,222

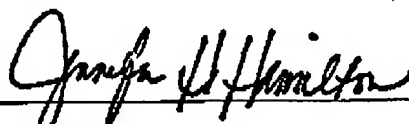
III. CONCLUSION

In view of the foregoing discussion and remarks, Applicants respectfully submit that the claims as now presented, are in condition for allowance, for which action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,

Dated: 5/12/10



Jennifer H. Hamilton

The Eclipse Group LLP

10605 Balboa Blvd., Suite 300

Granada Hills, CA 91344

(818) 488-8141 Telephone

(818) 332-4205 Fax

jhh@eclipsegrp.com

Customer No.: 34408

PATENT

The Eclipse Group Docket No. HI09047USU (P03059US)
Application Serial No.: 10/684,222

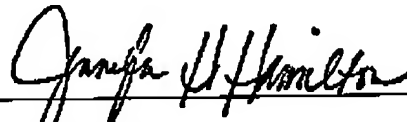
III. CONCLUSION

In view of the foregoing discussion and remarks, Applicants respectfully submit that the claims as now presented, are in condition for allowance, for which action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,

Dated: 5/12/10



Jennifer H. Hamilton

The Eclipse Group LLP

10605 Balboa Blvd., Suite 300

Granada Hills, CA 91344

(818) 488-8141 Telephone

(818) 332-4205 Fax

jhh@eclipsegrp.com

Customer No.: 34408